

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

IN THE MATTER OF:	)	No. B-09-81611 C-13D
Archie C. Chavis	)	
Wanda Chavis	)	
	)	
Debtor(s)	)	

**ORDER GRANTING MODIFICATION OF PLAN**

On March 17, 2011, a hearing was held on Motion by the Debtors to modify their Chapter 13 plan pursuant to 11 U.S.C. §1329. The Debtors are the owners of a 2001 Cadillac (“the automobile”) that was involved in a collision and declared a total loss. Home Credit Corporation (“HCC”) holds a lien on the automobile and the insurance carrier has offered proceeds in the amount of \$5,043.00 which have been forwarded to the Trustee’s Office together with the certificate of title to the automobile. At the hearing, Koury L. Hicks, Esq. appeared on behalf of the Debtors, and Richard M. Hutson II, Standing Trustee appeared. No other party appeared or objected to the Motion. The Court, after considering the Motion and having heard and considered the statements of counsel and the Trustee, finds that there is sufficient evidence of a substantial change in the Debtors’ circumstances and that the modification complies with the provisions of 11 U.S.C. §1325; therefore, it is ORDERED:

1. The Motion by the Debtors pursuant to 11 U.S.C. §1329 is granted.
2. The remaining secured claim of HCC having a principal balance of \$2,087.61 plus interest at the rate of 5.25% per annum from January 31, 2011, shall be satisfied from the insurance proceeds which shall be disbursed by the Trustee.
3. The Trustee shall forward the certificate of title to the automobile directly to the insurance carrier.
4. Excess insurance proceeds shall be refunded by the Trustee to the Debtors for the purpose of obtaining alternate transportation.
5. The Debtors’ plan payments are scheduled at \$200.00 per month beginning April, 2011, and shall continue until all secured and priority claims are paid in full and the applicable commitment period is satisfied.
6. John T. Orcutt, Esq. is allowed the presumptive fee of \$250.00 for services rendered in the filing of this Motion which shall be paid through the Debtors’ plan.



**PARTIES IN INTEREST**

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**ALL PARTIES OF RECORD AS OF THE DATE OF THE ORDER SHALL BE  
SERVED BY THE BANKRUPTCY NOTICING CENTER**